



City of Sunnyvale

Excerpt Meeting Minutes - Draft Planning Commission

Monday, July 25, 2022

7:00 PM

Telepresence Meeting: City Web Stream |
Comcast Channel 15 | AT&T Channel 99

Special Meeting: Study Session - Canceled | Public Hearing - 7:00 PM

7 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Pursuant to Government Code Subdivision 54953(e), the meeting was conducted telephonically; pursuant to state law, the City Council made the necessary findings by adopting Resolution No. 1089-21, reaffirmed on July 12, 2022.

Chair Pyne called the meeting to order at 7:00 PM.

ROLL CALL

Present: 7 - Chair Martin Pyne
Vice Chair Nathan Iglesias
Commissioner Daniel Howard
Commissioner John Howe
Commissioner Michael Serrone
Commissioner Neela Shukla
Commissioner Carol Weiss

PUBLIC HEARINGS/GENERAL BUSINESS

3. [22-0614](#) **Proposed Project:** Related applications on a 1.25-acre site:
 DEVELOPMENT AGREEMENT (DA): Introduction of an Ordinance Approving and Adopting of a DA between the City of Sunnyvale and Gary Thon-Lon Hon and Nichole Ying Lin Hon, as trustees of the Hon Family Trust and Edward H. Leone Jr. LLC.
 SPECIAL DEVELOPMENT PERMIT (SDP): to demolish the existing buildings and construct a new 125,128 square foot four (4) story office building with two (2) levels of underground parking.
Location: 480 & 490 S. Mathilda Avenue and 355 W. Olive Avenue (APNs:209-28-008 & 052)
File #: 2021-7281 (DA) & 2021-7280 (SDP)
Zoning: DSP Block 13
Applicant: Daniel Minkoff, Minkoff Group

Owners: Gary Thon-Lon Hon and Nichole Ying Lin Hon, as Trustees of the Hon Family Trust and Edward H. Leone Jr. LLC.

Environmental Review: A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act (CEQA) provisions and City CEQA Guidelines.

Project Planner: Shaunn Mendrin, (408) 730-7431, smendrin@sunnyvale.ca.gov

Planning Officer Shaunn Mendrin presented the staff report with a slide presentation.

At Commissioner Howard's request, Planning Officer Mendrin provided an explanation on Article 4.2.2 of the Draft Ordinance and Development Agreement (DA).

Commissioner Howe asked about the line of sight from the rooftop terrace on the proposed project's fourth floor to the residential buildings. Planning Officer Mendrin responded that the line of sight should be minimal due to the proposed project's setback from the east property line, and he added that the applicant's presentation may provide additional information on this topic.

Commissioner Weiss discussed with Planning Officer Mendrin why more trees will not be planted to replace the trees that will be removed from the proposed project site. Commissioner Weiss emphasized the importance of including more trees on the ground level of the proposed project site to provide adequate shading and prevent urban hotspots. Planning Officer Mendrin advised that the Planning Commission may include a condition of approval which will involve City staff's collaboration with the applicant to explore the addition of more trees on the proposed project site.

At Commissioner Weiss' request, Community Development Department (CDD) Director Trudi Ryan explained the Community Benefit Fund contribution described in the DA and how these funds might be allocated.

Commissioner Serrone disclosed that he met with the developer of the proposed project prior this meeting.

Commissioner Serrone, like Commissioner Howe, shared his concerns regarding the line of sight from the proposed project's fourth-floor rooftop terrace. He proposed the inclusion of greenery to serve as a privacy screen for neighboring residential buildings.

Commissioner Serrone confirmed with Planning Officer Mendrin that no olive trees will be planted on the proposed project site. Instead, variations of oak trees will be planted to replace the trees removed from the proposed project site.

Commissioner Serrone commented that the improvements made to the bicycle lanes on Mathilda Avenue should be extended down to Washington Avenue.

Commissioner Serrone confirmed with Planning Officer Mendrin that, on the building side of Olive Avenue, street parking will not be permitted. Robert Eckols, City traffic consultant, added that the reduction of driveways on Olive Avenue will ensure the safety of pedestrians and bicyclists.

Commissioner Serrone confirmed with CDD Director Ryan that the City does not offer specific incentives for the proposed project's use of mass timber. CDD Director Ryan added that there are specific benefits to using mass timber, including a reduced carbon footprint, and stated that the applicant is aiming to achieve WELL certification.

Vice Chair Iglesias also disclosed that he met with the developer of the proposed project prior to this meeting.

Vice Chair Iglesias suggested that the City consider requiring the use of story poles to better inform residents of upcoming proposed projects. CDD Director Ryan explained why story poles are not required by the City and advised that applicants are instead encouraged to produce renderings of the proposed project from various angles or provide drone views from various locations on the proposed project site.

Commissioner Shukla stated that, in her opinion, it would be great if a portion of the Community Benefit Fund contribution could be allocated to residents impacted by the proposed project. She also suggested that the public be granted access to the proposed project's fourth-floor rooftop terrace after business hours.

Chair Pyne confirmed with CDD Director Ryan that, to her knowledge, story poles have not been in use within the City.

Chair Pyne asked about the length of time it would take for the greenery along the east property line to grow to provide adequate landscape screening. Planning Officer Mendrin answered that the applicant or his landscape architect might be

better able to address this question.

Chair Pyne inquired about whether a protected left turn on Olive Avenue has ever been considered. Planning Officer Mendrin and Mr. Eckols explained considerations that have been made for this left turn lane and other potential traffic impacts.

Chair Pyne opened the Public Hearing.

Daniel Minkoff, President of The Minkoff Group, responded to comments and questions posed by the Planning Commissioners. He also presented the project including additional images and information.

Commissioner Weiss expressed concerns about pedestrian safety from vehicular traffic at the Olive Avenue garage. She asked whether any kind of warning system will be implemented to alert pedestrians of oncoming vehicles. Mr. Minkoff assured her that the reduction of driveways on Olive Avenue will increase pedestrian safety. Planning Officer Mendrin advised Commissioner Weiss that the Planning Commission may include a condition of approval which will involve the proposed project's inclusion of safety elements that will address pedestrian safety at the garage in question.

Commissioner Weiss asked whether it is possible to schedule trash pickup at the proposed project site to prevent disturbance of neighboring residents. Mr. Minkoff provided examples of efforts being made to achieve this goal.

David Snow, Sunnyvale resident, expressed his concerns with the proposed project. These included City staff's approach to the California Environmental Quality Act (CEQA) and the proposed project's lack of transportation impact studies, mitigation measures for disturbance to neighboring residents by trash collection, and information on its landscape architecture plans.

Ari Feinsmith, team leader of Bike Sunnyvale, shared his gratitude that the developer considered his team's feedback regarding the proposed project. He spoke in support of the proposed project and provided his reasons why.

Apurva, Sunnyvale resident, raised concerns about the proposed project's impact on traffic from Mathilda Avenue to Olive Avenue. In particular, he questioned the safety of bicyclists in light of increased vehicles on these streets.

Olaf Hirsch, Sunnyvale resident, stressed that the proposed project will negatively impact adjacent neighbors and the value of their property. He also commented that a decrease in the proposed project's size will allow for the addition of more trees on the proposed project site.

Andy Maloney shared his concerns with the DA, including its potential to set a precedent for increased allowable square footage. In particular, he questioned how this increase was permitted by the City. Mr. Maloney also expressed the negative impact that the proposed project will have upon residents and the amount of available parking on Taaffe Street, Frances Street, and Murphy Avenue.

Greg and Kristi Chiocco, Sunnyvale residents, voiced their opposition to the proposed project. Mr. Chiocco called attention to the two petitions signed by nearly three hundred individuals in opposition to the proposed project. He stated that the Special Development Permit (SDP) does not meet certain requirements and stressed that the proposed project site is intended for smaller-scale developments. Mr. Chiocco added that the proposed project will negatively affect adjacent neighbors' quality of life and traffic on Olive Avenue. Regarding the latter, he questioned whether a traffic study was conducted. In his opinion, he commented that the privacy screening offered by the landscape plan is insufficient to adequately safeguard neighboring residents' privacy. Lastly, Mr. Chiocco referred to the Community Benefit Fund contribution as somewhat of a bribe, and Ms. Chiocco commented that the proposed project's design is not aesthetically pleasing.

Sharlene Liu, Sunnyvale resident and member of Bike Sunnyvale, spoke in favor of the proposed project. Specifically, she commended its inclusion of secure bicycle parking spaces and showers for those who bike to work. She commented that the proposed project will decrease vehicular traffic and promote improved mental health for those who bike to work.

Eddie Leone, current owner of Eddie's Quilting Bee, discussed the positive impact that the reduction of driveways on Olive Avenue will have upon traffic and stated that the proposed project will benefit both the City and the community. He acknowledged that the proposed project site is intended for commercial use and that the proposed project will generate more job opportunities. For these reasons, and the fact that the proposed project meets the goals of the City's Downtown Specific Plan (DSP) and possesses an aesthetically pleasing design, Mr. Leone spoke in favor of the proposed project.

Dawn Maher, speaking on behalf of the Sunnyvale Chamber of Commerce, spoke in support of the proposed project's DA and SDP. Her comments centered on the proposed project's ability to enhance the community as it meets the City's sustainability and Climate Action Plan goals.

Paul King, Sunnyvale resident, voiced his concerns regarding the proposed project. He called into question the discussion on the proposed project's stepdown on the east side and its height, and he shared his hopes that community feedback would be taken into greater account.

Heather Nielsen acknowledged that the proposed project will result in increased traffic on Olive Avenue and stressed the consideration of placing the garage entrance at an alternate location. If not, she suggested that the setback for the garage be extended to accommodate a line of vehicles entering the garage. Lastly, she questioned the number of parking spaces offered by the proposed project and whether it will be sufficient to support the number of individuals who will work from its offices.

Bill Weaver, Sunnyvale resident, called attention to the large size of the proposed project and the increased traffic that will result on Olive Avenue and Mathilda Avenue if the proposed project is approved. He proposed an increase in privacy screening offered by the proposed project and suggested that the setbacks of the proposed project be increased as well. He also stated that he liked the architecture of the building.

Chuck Fraleigh encouraged the Planning Commissioners to approve the proposed project. He stated that, in his opinion, it will be a great addition to the City's downtown area, and he recognized the benefits it will offer to cyclists (i.e., secure bicycle parking and elevator access). Lastly, he noted that the proposed project's sustainable elements, such as its implementation of mass timber and electric vehicle (EV) charging, should be encouraged among all City developments.

Victor Kasik, owner of property across from the proposed project site, shared his concerns regarding the proposed project. These included the garage on Olive Avenue facing his property and violation of his tenants' privacy. Mr. Kasik stated that the developer has agreed to assist with costs for mitigating these concerns.

Ranjith Jayaram, Sunnyvale resident, urged the Planning Commission to consider a traffic and parking impact study to address the potential increase in traffic and

decrease in available street parking that may result because of the proposed project's approval. He also noted that the proposed project's architecture is not consistent with the architecture of surrounding homes in the Heritage District.

Charlie Strouss spoke in favor of the proposed project and highlighted its architecture, sustainable elements, and the developer's pursuit of WELL certification. He also stressed the importance of an on-site office environment to prevent a decrease in available street parking.

Laurel, Sunnyvale resident, emphasized the importance of the proposed project's inclusion of adequate pedestrian-safe sidewalks, ideally surrounded by trees on both sides. She stated that such trees would provide ample screening and a nice view. Lastly, she urged staff to consider safety guidelines to protect pedestrians from oncoming vehicles entering or exiting the garage on Olive Avenue.

Sonal Gupta, Sunnyvale resident, made known her concerns regarding increased traffic on Olive Avenue due to the proposed project's approval. She advised that a traffic study should be conducted and suggested that the garage and trash collection entrance to the proposed project should not be placed on Olive Avenue for this reason. Lastly, she echoed comments made by a previous member of the public regarding the Community Benefit Fund contribution appearing as somewhat of a bribe.

Art Kennedy commented on the proposed project's transparent windows, sustainable elements, forward-looking design, and rooftop amenities. He also disagreed with comments made regarding increased traffic since work shifts are generally staggered, and people arrive to and leave work at varying times.

Melinda Hamilton, former Sunnyvale mayor and councilmember, applauded the proposed project's design and acknowledged its positive qualities. At the same time, she sympathized with concerns raised by surrounding neighbors of the proposed project. She added that the Community Benefit Fund contribution should directly benefit the neighborhood and stated that, in her opinion, the proposed project should not move forward at the proposed project site due to the permitted density on that site.

Ray Johnson made the following statement to the Planning Commission: "To me, one of the main functions of a Planning Commission is to see that each development complies with the City regulations and standards. It would also make

sense for the Commission to add conditions for approval, such as insisting story poles be installed prior to further consideration of this application, so everyone can view the enormous detrimental effect this overbuilding mistake will have in this location before we have to endure it for the next forty to a hundred years. So, I hereby ask the Commission to make the installation of story polls a condition of approval. The project before you fails to meet the DSP guidelines in many ways. Therefore, I would also like to take the opportunity to point out that the City's attempted use of a DA in this instance to avoid compliance with the Zoning Ordinance coupled with a phantom community benefit is nothing more than an attempt to buy approval of this project, which otherwise could not be approved upon any legitimate basis. In addition, the use of a DA in this manner was not the intent the legislature had in mind when they adopted Government Code Section 65865, and its current use for the Minkoff Project leaves the City open to legal challenges in the court. I would also suggest you review my February 25, 2022 letter to the Commission to refresh my concerns about this egregious overbuild. In that letter, I pointed out how their structure exceeds the maximum number of square feet allowed by over 160% and the allowable height limit by over 35%. Therefore, why is that excess being deemed acceptable? Why is this project being allowed to skirt the General or Specific Plan Amendment process? Why is the City ignoring guidelines in the recently revised DSP with respect to the Minkoff project? Therefore, with that in mind, as you deliberate on this application tonight, it's not the night to leave your conscience, common sense, and your sense of responsibility to the residents of Sunnyvale at the door. They should be kept by your side to help you conclude that this developer's request, along with the Negative Declaration, should be denied until this proposal is within the limits set forth in the DSP."

Rick Logsdon, Sunnyvale resident, recognized the pros and cons of the proposed project. While it is a green project that offers transit benefits, it is also too big and will negatively impact parking and traffic in the surrounding area. In his opinion, until those cons are addressed, the proposed project should not be approved. Lastly, Mr. Logsdon also summarized comments made by speakers before him.

Kristian Hayward expressed his support of the proposed project and stated that developments like this are creating opportunities for people to live and work in the same area without having to commute. He also recognized that the proposed project is in alignment with City's plan for the proposed project site and that the applicant took community feedback into consideration.

Martin Kasik, a member of the public who indicated a desire to speak, was unable to

do so due to technical difficulties on their end.

Mr. Minkoff presented the project including additional images and information.

Chair Pyne closed the Public Hearing.

Commissioner Howe and Planning Officer Mendrin discussed the traffic analysis completed for the proposed project, considering the site's current use and its projected use. Mr. Eckols explained that Vehicle Miles Traveled (VMT) was assessed, but the proposed project received an exemption due to its proximity to transit such as the Caltrain station. He added that results from the assessment revealed that the proposed project will not generate sufficient additional VMT to be considered an issue. Mr. Eckols elaborated that other pieces of the CEQA analysis were studied, including safety emergency access.

At Commissioner Howe's request, Mr. Eckols provided examples of safety features that could be implemented at the Olive Avenue garage to protect pedestrians from oncoming vehicles. Planning Officer Mendrin added that a mechanical arm at the garage entrance and exit will assist with traffic regulation as well. While there is no existing condition of approval that addresses this topic, Planning Officer Mendrin advised that the Planning Commission may create one.

Commissioner Howard commented that the discussion regarding the safety features to be implemented at the garage driveway on Olive Avenue allowed him to better understand the driveway's safety overall.

Commissioner Howe offered conditions of approval to be included in the motion for Public Hearing Agenda Item 3.

Chair Pyne confirmed with CDD Director Ryan that the Planning Commission may make recommendations to the City Council regarding uses of the Community Benefit Fund contribution.

MOTION: Commissioner Howard moved and Commissioner Howe seconded the motion to approve Alternative 2 - Approve the DA and the Special Development Permit with Modifications

a) Make the findings required by Resolution No. 371-81 (Attachment 3 to the Report).

- b) Recommend that the City Council Introduce of an Ordinance Approving and Adopting a Development Agreement between the City of Sunnyvale and Gary Thon-Lon Hon and Nichole Ying Lin Hon, as trustees of the Hon Family Trust and Edward H. Leone Jr. LLC (Attachment 2 to the Report) with modifications.
- c) Make the required Findings to adopt the Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program in accordance with CEQA, and approve the Special Development Permit based on Recommended Findings in Attachment 4 and Recommended Conditions of Approval in Attachment 5 subject to modified Conditions of Approval with modifications.

The modified conditions are stated below:

- 1.) Note that The Minkoff Group must work with the City's Traffic and Transportation Division staff to ensure pedestrian safety at the proposed project's garage on Olive Avenue.
- 2.) Note that The Minkoff Group must work with City staff to add additional trees on the proposed project site.
- 3.) Add a new General Condition of Approval which will read as follows: "Downtown Transportation Management Agency (TMA): The project applicant and future tenants shall participate in the TMA for Downtown when it is formed. [Planning and Public Works]."
- 4.) Add a new Prior to Final Condition of Approval which will read as follows: "Transportation Demand Management (TDM) Program: The project applicant shall submit a final TDM for review and approval prior to occupancy of the new building. [Planning and Public Works]"

Commissioner Howard commented on the placement of the proposed project relative to transit and the proposed project's impacts on the surrounding residents. He also recognized the proposed project's design and the applicant's efforts to consider community feedback. Commissioner Howard shared his views that, overall, the proposed project will positively contribute to the community.

Commissioner Howe acknowledged the proposed project's ability to safeguard the privacy of neighboring residents. He also noted that the proposed project is compliant with the DSP.

Commissioner Serrone stated that he is in support of the motion due to the proposed project's environmental sustainability aspects and distinctive architectural design. He also addressed some concerns raised by the public, including concerns

about the proposed project's height and traffic impacts and the Community Benefit Fund contribution.

Commissioner Weiss voiced that Sunnyvale needs to be viewed as a city and that the proposed project should be viewed in this context. She praised the materials used by the proposed project, the proposed project's design, and the developer's consideration of community concerns regarding privacy and setback. Lastly, she voiced her support of the motion.

Commissioner Shukla commented on the growing vibrancy of the City's downtown area due to retail and restaurants. She stated that the approval of the proposed project will lend to this vibrancy, and she proposed suggestions for improving the pedestrian experience at the proposed project site. Lastly, she spoke in support of the motion.

Chair Pyne thanked those who attended the Planning Commission meeting and those who provided comments on the proposed project. He revealed that he is sensitive to concerns regarding increased traffic, and he is grateful for staff's traffic analysis and the applicant's efforts to consider community feedback. Additionally, he noted that the proposed project site is designated for commercial use, and this is something the proposed project achieves. He commented on the importance of the City Council allocating a portion of the Community Benefit Fund contribution for the surrounding neighborhood. Lastly, although he stated his support of the motion, he recognized the importance of taking residents' concerns into consideration.

The motion carried by the following vote:

Yes: 7 - Chair Pyne
Vice Chair Iglesias
Commissioner Howard
Commissioner Howe
Commissioner Serrone
Commissioner Shukla
Commissioner Weiss

No: 0

This recommendation will be forwarded to the City Council for consideration at the August 16, 2022 meeting.